

1 William D. Hyslop
2 United States Attorney
3 Eastern District of Washington
4 David M. Herzog
5 Assistant United States Attorney
6 Post Office Box 1494
7 Spokane, Washington 99210-1494
8 (509) 353-2767

9 UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 JASON DEAN TALBOTT,

15 Defendant.

Case No. 2:20-CR-00101-RMP-1

Discovery Status Report

Court:

Hon. Rosanna Malouf Peterson
United States District Judge

16
17 Plaintiff United States of America, by and through William D. Hyslop, United
18 States Attorney for the Eastern District of Washington, and David M. Herzog,
19 Assistant United States Attorney for the Eastern District of Washington, having met
20 and conferred with Deputy Federal Defender Colin Prince, counsel of record for
21 Defendant Jason Dean Talbott (“Defendant”), submits the following discovery status
22 report pursuant to the Court’s pretrial order.
23
24

25 1. On August 21, 2012, in case number 2:11-CR-00165-RMP-1 in this
26 District, Defendant sustained a conviction for Receipt of Child Pornography in
27 violation of 18 U.S.C. § 2252A(a)(2)(A), (b)(1). This Court imposed a sentence of 60
28

1 month in custody, to be followed by a lifetime of Supervised Release. Among other
2 conditions of Supervised Release, the Court ordered Defendant to: (1) keep the United
3 States Probation Office appraised of his residence; (2) not use computers or the
4 Internet; and (3) not possess or view child pornography.

6 2. On December 31, 2019, the United States Probation Office filed a
7 petition alleging that Defendant violated these terms of his Supervised Release. ECF
8 No. 70 in case number 11-00165-RMP. The Court issued an arrest warrant, and
9 Defendant was arrested at Spokane International Airport. Defendant made his initial
10 appearance before the Hon. John T. Rodgers, United States Magistrate Judge, in
11 Spokane, and was ordered detained.

14 3. At the request of the parties, this Court continued the Supervised Release
15 proceedings, based on an anticipated Indictment charging a new substantive count of
16 Receipt of Child Pornography, in addition to the Supervised Release allegation.

18 4. A federal grand jury has now returned an Indictment charging Defendant
19 with Receipt of Child Pornography in violation of 18 U.S.C. § 2252A(a)(2)(A), (b)(1),
20 under the above-captioned 2020 case number. Defendant has appeared and been
21 arraigned before Judge Rodgers on the new Indictment. Defendant's detention was
22 ordered pending trial.

25 5. This Court has ordered counsel to meet and confer regarding discovery
26 and submit a report to the Court.
27
28

1 6. Counsel for the United States and the defense have met and conferred
2 regarding discovery. Given the nature of the charges, the United States has drafted
3 and circulated to defense counsel proposed protective orders that, if agreed to by
4 counsel and approved by the Court, will protect victim identities and permit the
5 defense to review contraband discovery at the offices of the Federal Bureau of
6 Investigation (“FBI”). This is necessary because the discovery in this case includes
7 the bona fide identities of minor victims and pornographic images of them, allegedly
8 recovered from Defendant’s electronic devices. This is the standard procedure used in
9 this District for child pornography cases.
10
11
12

13 7. Assuming the standard protective orders are agreeable to the defense and
14 approved by the Court, the United States anticipates producing discovery in the
15 normal course, using the standard procedures for defense review of contraband
16 material. The standard discovery orders have recently been updated as a result of
17 meetings between the United States Attorney’s Office and the Federal Defender’s
18 Office; defense counsel is currently reviewing the updated proposed protective orders.
19
20

21 8. The United States anticipates producing non-contraband discovery on the
22 USAFx system, and the United States will continue to produce non-contraband
23 discovery using this system on a rolling basis as any new discovery becomes available
24 and is processed into the system.
25

26 9. Neither party has indicated any new or additional discovery issues,
27 beyond the need to obtain the protective orders.
28

1 10. As soon as the protective orders are entered, the United States will
2 produce all of the discovery in this case. If any discovery issues arise, the parties will
3 endeavor to resolve them before addressing them with the Court.
4

5 Dated: September 11, 2020

William D. Hyslop
United States Attorney

7 /s/ David M. Herzog

8 David M. Herzog
9 Assistant United States Attorney
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will provide an electronic copy to Defendant's counsel of record.

s/ David M. Herzog

David M. Herzog

Assistant United States Attorney